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Tarrant County Texas

Official Public Records

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Suzanne Henderson

PGS 4 \$28.00

Submitter: SIMPLIFILE

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*The State of Texas,  
County of Tarrant,*

*Know All Men by These Presents:*

## AMENDMENT

To

"OIL AND GAS LEASE"

WHEREAS, heretofore, under date of July 24, 2008, Fossil Creek Association, Inc., a Texas non-profit corporation, whose address is 1900 North Akard Street, Dallas, Texas 75201, as Lessor, did execute and deliver unto XTO Energy Inc., whose address is 810 Houston Street, Fort Worth, Texas 76102, as Lessee, an Oil and Gas Lease, a Memorandum of which is recorded as document number D208340877 in the Official Public Records of Tarrant County, Texas (hereinafter referred to as "said Lease") covering 46.083 acres more particularly described on Exhibit A, attached, (hereinafter referred to as "said Land"); and,

WHEREAS, reference to said Lease being herein made for all purposes; and,

WHEREAS, it is the desire of Lessor and Lessee to amend the pooling provision in said Lease.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned do hereby agree as follows:

1. Amendment: A portion of the second paragraph, lines 5 through 8, under Article 7, Sub-Article B, "Horizontal Wells", pages 9 and 10, of said Lease which currently reads as follows:

"... but only in a spacing unit the area or number of acres of which are equal to the area or number of acres determined by adding twenty (20) acres for each five-hundred [sic] eighty-five (585) feet horizontally drilled to the original forty (40) acres deemed to be a proration unit for each vertical well"

is hereby amended to read as follows:

"... but only in a spacing unit the area or number of acres of which are limited to 640 acres plus an acreage tolerance of 10%."

It is understood and agreed by all parties hereto that in all other respects, said Lease and the prior provisions thereto, shall remain in full force and effect and each of the undersigned does hereby ratify and confirm said Lease as hereby amended.

This Amendment shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, legal representatives, successors and assigns.

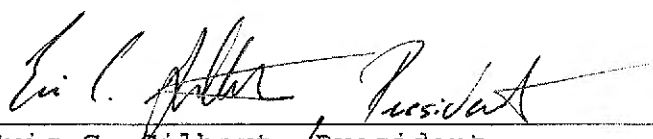
The failure of one or more parties to execute this instrument shall not in any manner affect the validity and binding effect of same as to the parties who execute said instrument.

IN WITNESS WHEREOF, this Amendment to Oil, Gas and Mineral Lease is executed by the parties hereto on the dates of their respective acknowledgments, but made effective for all purposes as of July 24, 2008.

LESSOR:

Fossil Creek Association, Inc.

By:

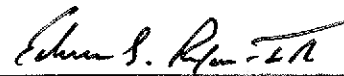
  
Eric C. Gilbert, President

*Handwritten initials/signature*

LESSEE:

XTO ENERGY INC.

By:

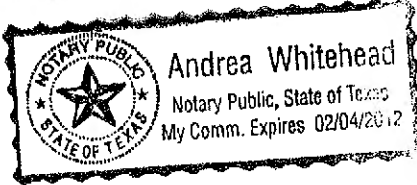
  
Edwin S. Ryan, Jr.,  
Sr. Vice President - Land Administration

*Handwritten initials/signature*

ACKNOWLEDGMENT

State of Texas        }  
County of Dallas     }

9<sup>th</sup> This instrument was acknowledged before me on this  
day of August, 2009, by Eric C. Gilbert, as  
President of Fossil Creek Association, Inc., a Texas non-profit  
corporation, on behalf of said corporation.



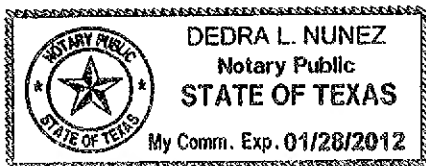
Andrea Whitehead  
Notary Public,  
in and for The State of Texas.

(Seal)

ACKNOWLEDGMENT

State of Texas        }  
County of Tarrant    }

6<sup>th</sup> This instrument was acknowledged before me on this  
day of August, 2009, by Edwin S. Ryan, Jr., Sr.  
Vice President - Land Administration of XTO Energy Inc., a Delaware  
corporation, on behalf of said corporation.



DEDRA L. NUNEZ  
Notary Public  
in and for The State of Texas.

(Seal)

Exhibit A

("said Land"):

Tract 1: Lot 2, Block 43, STONEGLEN AT FOSSIL CREEK ADDITION, an Addition to the City of Fort Worth, Tarrant County, Texas, according to the Plat thereof recorded in Volume 388-188, Page 39, Plat Records, Tarrant County, Texas, containing 2.266 acres, more or less;

Tract 2: 5.702 acres, more or less, situated in the D.E. NORTON SURVEY, A-1168, City of Fort Worth, Tarrant County, Texas, described in a Special Warranty Deed dated January 4, 2000 from Hunt-Woodbine Realty Corporation to Fossil Creek Association, Inc. of record in Volume 14175 at Page 51 of the Official Public Records of Tarrant County, Texas;

Tract 3: 12.21 acres, more or less, situated in the ABSALOM SMITH SURVEY, A-1419, the J.A. WALKER SURVEY, A-1707, and the D.E. NORTON SURVEY, A-1168, City of Fort Worth, Tarrant County, Texas, described in a Special Warranty Deed dated January 4, 2000 from Hunt-Woodbine Realty Corporation to Fossil Creek Association, Inc. of record in Volume 14175 at Page 51 of the Official Public Records of Tarrant County, Texas;

Tract 4: 12.07 acres, more or less, situated in the ABSALOM SMITH SURVEY, A-1419, the J.A. WALKER SURVEY, A-1707, and the D.E. NORTON SURVEY, A-1168, City of Fort Worth, Tarrant County, Texas, described in a Special Warranty Deed dated January 4, 2000 from Hunt-Woodbine Realty Corporation to Fossil Creek Association, Inc. of record in Volume 14175 at Page 51 of the Official Public Records of Tarrant County, Texas;

Tract 5: 7.999 acres, more or less, situated in the ABSALOM SMITH SURVEY, A-1419, City of Fort Worth, Tarrant County, Texas, described in a Correction Special Warranty Deed dated January 4, 2000 from Hunt Resources, Inc. to Fossil Creek Association, Inc. of record in Volume 14175 at Page 48 of the Official Public Records of Tarrant County, Texas;

Tract 6: 5.836 acres, more or less, situated in the ABSALOM SMITH SURVEY, A-1419, City of Fort Worth, Tarrant County, Texas, described in a Correction Special Warranty Deed dated January 4, 2000 from Hunt Resources, Inc. to Fossil Creek Association, Inc. of record in Volume 14175 at Page 48 of the Official Public Records of Tarrant County, Texas.